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CITY OF BOSTON AIR POLLUTION CONTROL COMMISSION

Room 84, Quincy Market Building, Boston, Massachusetts 02109 — (617) 227-4890

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DAVID STANDLEY,
Executive Director



December 30, 1969

Miss Margo Crist
Government Documents Dept.
Boston Public Library
Boston, Massachusetts 02117

Dear Miss Crist:

On December 22, 1969 the Boston Air Pollution Control Commission voted to adopt the enclosed Regulations for the Control of Atmospheric Pollution, and to submit them to the Massachusetts Department of Public Health for approval. This has been done. Upon approval by that Department and after their publication by this Commission in a newspaper published in Boston, these Regulations will have the force of law within the City of Boston.

This information is being provided at this time to parties whose interest in this matter is on record.

Very truly yours,

David Standley
David Standley
Executive Director

Enclosure

DS/sr

Boston Public Library

Commissioners:

James A. Fay, Chairman — Andrew P. Sackett, M. D., Commissioner of Health & Hospitals — Edward V. Hickey



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CITY OF BOSTON AIR POLLUTION CONTROL COMMISSION

Room 84, Quincy Market Building, Boston, Massachusetts 02109 — (617) 227-4890

DAVID STANDLEY,
Executive Director



AIR POLLUTION CONTROL COMMISSION — BOSTON, MASSACHUSETTS

REGULATIONS FOR THE CONTROL OF ATMOSPHERIC POLLUTION

December 22, 1969

Boston Public Library

Government Documents Department

Commissioners:

James A. Fay, Chairman — Andrew P. Sackett, M.D., Commissioner of Health & Hospitals — Edward V. Hickey

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AIR POLLUTION CONTROL COMMISSION - BOSTON, MASSACHUSETTS

REGULATIONS FOR THE CONTROL OF ATMOSPHERIC POLLUTION

The Boston Air Pollution Control Commission, acting under the authority of Section 31C of Chapter 111 of the GENERAL LAWS of the Commonwealth of Massachusetts, Chapter 15, Section 2, of the Revised Ordinances of the City of Boston of the year 1968 as amended by Chapter 14 of the Ordinances of the City of Boston of the year 1968, and every other act thereto enabling, hereby prescribes and establishes the following Regulations for the control of atmospheric pollution, which shall remain in force until further ordered and which may be amended or added to hereafter from time to time.

REGULATION 1. Definitions

When used in these Regulations or in communications, notices, or orders relative thereto, the following words and phrases shall have the meanings ascribed to them below:

- 1.1 AIR CONTAMINANT means any substance in the ambient air space and includes, but is not limited to dust, fly-ash, fume, mist, odor, smoke, vapor, pollen, micro-organism, radioactive material, radiation, heat, noise, any combination thereof, or any decay or reaction product thereof.



B. A. P. C. C. - REGULATIONS for the CONTROL of ATMOSPHERIC POLLUTION

REGULATION 1. Definitions (Continued)

- 1.2 AIR CONTAMINATION SOURCE means any source at, from, or by reason of which any air contaminant is emitted directly or indirectly into the ambient air space.
- 1.3 ATMOSPHERIC POLLUTION means the presence in the ambient air space, or portion thereof, of one or more air contaminants or combinations thereof in such concentration and of such duration as:
- 1.3.1 to cause a nuisance; or
 - 1.3.2 to be injurious or to tend to be, on the basis of current information, injurious to human or animal life, vegetation, or to property; or
 - 1.3.3 to unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.
- 1.4 AMBIENT AIR SPACE means the unconfined space occupied by the atmosphere above the geographical area of Boston.
- 1.5 COMMISSION means the Air Pollution Control Commission of the City of Boston.
- 1.6 EMISSION means a discharge or release to the ambient air space of any air contaminant.



B. A. P. C. C. - REGULATIONS for the CONTROL of ATMOSPHERIC POLLUTION.

REGULATION 1. Definitions (Continued)

1.7 PERSON means an individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau, agency, or any other entity recognized by law as the subject of rights and duties.

REGULATION 2. General Prohibition of Emissions

No person or persons owning, leasing, or controlling the operation of any air contamination source or sources shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the emission from said air contaminant source or sources of such quantities of air contaminants which will cause a condition of atmospheric pollution.

REGULATION 3. Fuels

3.1 Definitions

- 3.1.1 FUEL means solid, liquid, or gaseous material such as, but not limited to natural or manufactured gas, gasoline, oil, coal, or wood, used to produce heat or power by burning.
- 3.1.2 BITUMINOUS COAL means the current definition of bituminous coal or sub-bituminous coal as classified by the American Society for Testing and Materials.

REGULATION 3. Fuels (Continued)

- 3.1.3 FUEL OIL means a liquid petroleum product burned for the generation of heat or power and derived directly or indirectly from crude oil.
- 3.1.4 RESIDUAL FUEL OIL means the current definition of fuel oils grades number four (4), five (5), and six (6) as classified by the American Society for Testing and Materials.
- 3.1.5 FUEL - BURNING EQUIPMENT means any furnace, boiler, water-heater, device, mechanism, stack, structure, oven, stove, kiln, still, or other apparatus used in the process of burning fuel, but does not include internal combustion engines.
- 3.1.6 SHIPPER means any person who distributes, sells, or transports fuels.

3.2 Sulfur Content of Fuels Restricted

- 3.2.1 No person shall cause or permit the use, in the City of Boston, of fuel which contains more than the following percentage of sulfur by weight:
- (a). Bituminous coal - 1.0 percent;
 - (b). Residual fuel oil - 1.0 percent.
- The determination of sulfur content shall be by the method of the American Society for Testing and Materials.

REGULATION 3. Fuels (Continued)

3.2.2 Upon the application of any person engaged in the operation of fuel-burning equipment using bituminous coal or residual oil as a fuel, the Commission may approve an alternative procedure to the restriction upon the sulfur content of fuels imposed by this section. The applicant must prove to the satisfaction of the Commission that the fuel-burning equipment is operated in such a manner or is equipped with such control apparatus as to continuously limit the emission of any sulfur compound or compounds. The emission rates shall be no greater than those that would be emitted from the burning at the same rate, in the same fuel-burning equipment but without such special operation or such control apparatus, of bituminous coal or residual fuel oil containing not more than the percentages of sulfur by weight specified in 3.2.1.

(a) Conditions for the issuance of or the continuation or renewal of an approval of alternative procedure as provided for in this section shall be a matter of agreement between the parties and shall be expressly

REGULATION 3. Fuels (Continued)

- (3.2.2 (a).
Continued) stated. Failure to observe these conditions shall be grounds for revocation of the approval.
- (b). The emission of any sulfur compound or compounds in an amount or at a rate greater than permitted by the terms of an approval of alternative procedure issued pursuant to this section is prohibited and will be cause for suspension or revocation by the Commission of the approval of alternative procedure or for such other action as it may deem appropriate.
- (c). Failure on the part of the Commission to act within thirty days upon any such application shall be considered a denial.
- (d). Regulation 3.2.2 is not a variance provision. It is not intended to constrain any application made pursuant to Regulation X for variance from the provisions of Regulation 3, nor to limit the scope or nature of such an application or any subsequent variance.

3.2.3 Regulation 3.2 shall take effect on October 1st, 1970, except as provided below.

REGULATION 3. Fuels (Continued)

(3.2.3
Continued)

Residual fuel oil, having a sulfur content greater than 1.0% by weight but not greater than 1.5% by weight, may be used in the City of Boston prior to July 1, 1971 if any general or special law be enacted, or any regulation be adopted by the Massachusetts Department of Public Health, which restricts the allowable sulfur content of residual fuel oil to a value greater than 1.0% by weight, and which is applicable to any area greater than but including the City of Boston and which takes effect on or before October 1, 1970.



B. A. P. C. C. - REGULATIONS for the CONTROL of ATMOSPHERIC POLLUTION

REGULATION 3. Fuels (Continued)

3.3 (Omit)

3.4 (Omit)

3.5 (Omit)

3.6 (Omit)

3.7 (Omit)

3.8 (Omit)



REGULATION 3. Fuels (Continued)

3.9

Fuel Information Tickets

3.9.1 All shipments and deliveries of bituminous coal or residual fuel oil into or within the City of Boston for consumption in the City shall be recorded by the shipper upon forms prescribed by the Commission, to be known as "fuel information tickets".

3.9.2 Each fuel information ticket shall contain on its face the following statement signed by the shipper, "I hereby attest that I have shipped to the recipient named hereon the fuel described in this ticket", and the following information:

- (a) the date of the shipment or delivery;
- (b) the name and address of the shipper;
- (c) the name and address of the recipient of the fuel;
- (d) the address to which the fuel was delivered.



REGULATION 3. Fuels (Continued)

- 3.9.2 (e). the quantity and the kind and grade of the fuel,
- (f). the percentage of sulfur by weight contained in the fuel;
- (g). the volatile content by weight of bituminous coal shipped or delivered;
- (h). the ash content by weight of bituminous coal shipped or delivered.

3.9.3 Each fuel information ticket shall be issued in triplicate. One of each fuel information ticket issued in triplicate may be used as a delivery receipt and another one of each fuel information ticket shall be delivered to the recipient of fuel at the time of making the delivery.

3.9.4 Each shipper of fuel, for a period of one year from the date of shipment, shall keep on file in an orderly fashion at his place of business each fuel information ticket used by the shipper as a delivery receipt and the third copy of each fuel information ticket prepared by him. These tickets shall be kept available at all times during the business hours for inspection by the



REGULATION 3. Fuels (Continued)

(3.9.4
Continued) Commission or its duly authorized representative, and the third copy shall be surrendered to the Commission on demand.

3.9.5 Each recipient of a fuel shipment or delivery shall keep on file in an orderly fashion at his place of business or at the place where the delivery was received the copy of the fuel information ticket delivered to him by the shipper. This ticket shall be kept for a period of one year from the date of shipment and shall be kept readily available at all times during business hours for inspection by the Commission or its duly authorized representative.

3.9.6 This section shall apply to all shipments of bituminous coal or fuel oil into or within the City. It shall be no defense to non-compliance that the shipment was not made pursuant to a sales transaction between shipper and recipient or that the shipper and the recipient are identical.



B. A. P. C. C. - REGULATIONS for the CONTROL of ATMOSPHERIC POLLUTION

REGULATION 3. Fuels (Continued)

3.9.7 The failure of any shipper or recipient to keep on file the required fuel information tickets shall be deemed a separate and distinct violation as to each ticket.

3.9.8 Any shipper or recipient of fuel who shall be concerned in any manner in any misrepresentation of any of the information required to be contained in the fuel information ticket shall be guilty of a violation of the provisions of this section.

3.9.9 Regulation 3.9 shall take effect on July 1st, 1970.

REGULATION X. Variances

The Commission may grant such variances to these Regulations as it may, after hearing, deem necessary and proper. Such hearings shall be public, and may be conducted by a designee of the Commission. The Commission may reject applications after review but without hearing. Failure on the part of the Commission to act upon any application within thirty days shall be considered a denial of the application.

B. A. P. C. C. - REGULATIONS for the CONTROL of ATMOSPHERIC POLLUTION

REGULATION X. Variances (Continued)

The Commission shall not by variance allow the creation of any condition of atmospheric pollution.

All grants of variances shall be in writing , and shall be effective for not more than one year. The initial grant shall specify whether the variance may be renewed or extended and shall establish the conditions for or time of final termination. No renewal shall be granted except on written application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the variance.

The Massachusetts Department of Public Health and the City Clerk shall be notified of all variances granted or renewed by the Commission.

The applicant shall bear all the direct costs of processing any application, including the cost of advertising and holding any hearing, and preparing any record thereof. Notwithstanding the foregoing, the applicant shall not be responsible for any portion of salaries of Commission or other City employees, of Commission overhead, or of the expense of witnesses called by the Commission on its behalf.

B. A. P. C. C. - REGULATIONS for the CONTROL of ATMOSPHERIC POLLUTION

REGULATION Z. Severability

Each of these Regulations shall be construed as separate to the end that if any Regulation or section, sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of these Regulations shall continue in full force.

CHRONOLOGY - Regulations 1, 2, 3, X, and Z.

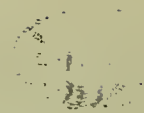
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Adopted by the Commission December 22, 1969

Approved by the Department of Public Health

Published in the



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